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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/890,588  | 11/21/2001  | Wilhelm Ardes        | HHI-031US           | 6532             |
| 959   | 7590        | 03/19/2004           | EXAMINER            |                  |
| LAHIVE & COCKFIELD, LLP.<br>28 STATE STREET<br>BOSTON, MA 02109 |             |                      | SAVAGE, MATTHEW O   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 1723                |                  |

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

|                              |                               |                                |  |
|------------------------------|-------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/890,588 | Applicant(s)<br>ARDES, WILHELM |  |
|                              | Examiner<br>Matthew O Savage  | Art Unit<br>1723               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☒ This action is FINAL.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 3-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Newly submitted claims 10-12 are directed to inventions that lack unity with the invention originally claimed for the following reasons:

1) original claims 1-2 corresponding to species 1 shown FIGS. 1-2 and elected with traverse in the communication filed on 12-19-02 were directed to a filter housing;

2) new claim 10 is directed to the combination of a filter housing and filter element;

3) new claims 11 and 12 are directed to combinations including a filter housing and filter housing cap;

4) the shared technical feature of the retaining component arranged to surround and fix the central component by an interference fit recited in original claim 1 and claims 10-12 fails to define a contribution over the prior art as evidenced by Vokes or Smart for the reasons set forth in the previous office action;

5) the special technical features of the retaining component partially surrounding the central component and the radially inner surface of the retaining component and the radially outer surface of the central component having matching contours recited in claim 1, as currently amended, fails to appear in new claims 10-12, and fails to define a contribution over the art for the reasons set forth below.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 10-12 are withdrawn from consideration as being directed to a non-elected inventions. See 37 CFR 1.142(b) and MPEP § 821.03.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Smart.

With respect to claim 1, Smart discloses a filter housing (see line 15 of col. 1), a central component 50, 51 (see FIGS. 4-5) which extends into an interior of the filter housing, the central component being disposable in an operating position by engaging a projection 43 on the filter housing and being retained therein in the filter housing, the component being detachable from the projection in a disassembly position (e.g., after part 50 has been fully unscrewed from the housing) such that the central component is non-destructively removable from the filter housing, wherein the central component is mounted rotatably around a longitudinal axis in the filter housing (e.g., via the threaded connection 43, 52, and a retaining component 44 arranged in a rotationally restrictive manner within the filter housing, the retaining component having a radially inner surface that partially surrounds a radially outer surface of the central component (e.g., with respect to an axial extent of the central component), wherein the radially inner surface of the retaining component and the radially outer surface of the central component having matching contours that inhibit rotation of the central component in the operating position, the central component being rotatable into a disassembly position when the

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clamping force exerted by the retaining component upon the central component is exceeded.

Concerning claim 2, Smart discloses the central component and retaining component as having interacting polygonal contours (e.g., defined by parts 44 and 63).

The rejection of claim 1 under 35 U.S.C. 102(b) in view of Vokes has been obviated by applicant's amendment to claim 1. Specifically, the limitation of the retaining component having a radially inner surface that partially surrounds a radially outer surface of the central component is not taught or suggested by Vokes.

Applicant's arguments filed 3-12-03 have been fully considered but they are not persuasive.

Applicant argues that Smart fails to disclose a retaining component that is capable of exerting a clamping force on a central component, however, it is held that Smart clearly discloses a retaining component 44 that is capable of exerting a radial clamping force upon central component 50, 51 via part 63.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

This application contains claims 3-12 drawn to an invention nonelected with traverse in the Paper filed on 12-8-02. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*M. Savage*  
Matthew O Savage  
Primary Examiner  
Art Unit 1723

mos  
March 17, 2004